

1 Greg L. Lippetz (State Bar No. 154228)  
2 glippetz@jonesday.com  
3 Cora L. Schmid (State Bar No. 237267)  
4 cschmid@jonesday.com  
5 JONES DAY  
1755 Embarcadero Road  
Palo Alto, CA 94303  
Telephone: 650-739-3939  
Facsimile: 650-739-3900

David N. Kuhn (State Bar No. 73389)  
Attorney-at-Law  
144 Hagar Avenue  
Piedmont, CA 94611  
Telephone: (510) 653-4983  
E-mail: dnkuhn@pacbell.net

Attorney for Plaintiff Gregory Bender

6 Attorneys for Defendant Maxim  
Integrated Products, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

11 || Gregory Bender,

Case No. C09-01152-SI

**Plaintiff,**

**STIPULATION AND [PROPOSED]  
ORDER TO RESCHEDULE MOTION  
HEARING**

14 || Maxim Integrated Products, Inc.,

**Defendant.**

V.

16

Pursuant to Civil L.R. 7-7(b), Defendant Maxim Integrated Products, Inc., (“Defendant”) and Plaintiff Gregory Bender (“Plaintiff”), through their respective counsel, hereby stipulate to reschedule the hearing date for Defendant’s Motion For Sanction Of Dismissal, currently scheduled for July 9, 2010 at 9 a.m., to July 30, 2010 at 9 a.m.

WHEREAS, on June 18, 2010, Plaintiff filed his Memorandum In Opposition To Motion  
For Sanctions together with supporting declarations of Sergio Franco, Ph.D., Kenneth Pedrotti,  
Ph.D, and Plaintiff Gregory Bender. (Docket Nos. 60-63.)

WHEREAS, Defendant believes that deposing declarant Sergio Franco, Ph.D., will provide evidence that is relevant to the Court's consideration of Dr. Franco's declaration, and has served Plaintiff with a notice of deposition of Dr. Franco.

27 WHEREAS, Plaintiff has not yet been able to provide Dr. Franco's availability for  
28 deposition.

1           WHEREAS, the parties believe that the Defendant's reply brief and the hearing on  
2 Defendant's Motion for Sanction of Dismissal should be delayed by three weeks to allow time for  
3 the deposition of Dr. Franco.

4 THE PARTIES HEREBY SUBMIT THIS STIPULATION THAT:

5           The Court hearing date for Defendant's Motion For Sanction of Dismissal be rescheduled  
6 from July 9, 2010 at 9 a.m. to July 30, 2010 at 9 a.m.

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1 Respectfully submitted,

2 Dated: June 24, 2010

3 Jones Day

4 By: /s/ Gregory Lippetz

5 Greg L. Lippetz  
6 State Bar No. 154228  
7 JONES DAY  
8 Silicon Valley Office  
9 1755 Embarcadero Road  
Palo Alto, CA 94303  
Telephone: 650-739-3939  
Facsimile: 650-739-3900

10 Counsel for Defendant Maxim Integrated  
11 Products, Inc.

12 In accordance with General Order No. 45, Section X(B), the above signatory attests that  
13 concurrence in the filing of this document has been obtained from the signatory below.

14 Dated: June 24, 2010

15 By: /s/ David Kuhn

16 David N. Kuhn  
17 Attorney-at-Law  
18 144 Hagar Avenue  
Piedmont, California 94611  
Telephone: (510) 653-4983

19 Counsel for Plaintiff Gregory Bender

20 The case management conference shall be held at 3 p.m.

21

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

23

24 DATED: \_\_\_\_\_, 2010

25 By: Susan Illston  
26 THE HON. SUSAN ILLSTON  
United States District Court Judge

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28 SVI-82301v1